



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Stephen Spaulding Hickok
FOR : METAL-CONTAINING COMPOSITIONS,
PREPARATIONS AND USES
SERIAL NO. : 10/070,062
FILED : February 27, 2002
EXAMINER : Alton Nathaniel Pryor
LAST OFFICE ACTION : September 2, 2003
ATTORNEY DOCKET NO. : MAGZ 2 00003

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Cleveland, Ohio 44114-2518
December 2, 2003

RESPONSE TO ELECTION REQUIREMENT

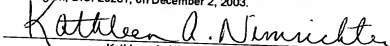
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In Paper No. 5, dated September 2, 2003, it was stated that the application contains claims directed to numerous species of a generic invention. Applicant was required to elect a single species to which the claims should be restricted if no generic claim is finally held to be allowable. The Examiner requested the applicant to elect a single complete composition specifically naming or specifically defining all

CERTIFICATE OF MAILING

I hereby certify that this Response to Election Requirement is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231, on December 2, 2003.


Kathleen A. Nimrichter

components required and optionally desired components of the single complete composition. The reply was also requested to identify the claims readable on the elected species, including any claims subsequently added.

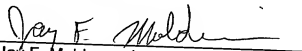
In response, applicant elects the composition of claim 1. Claims 2-20, 26 and 28, which depend from claim 1, are narrower than claim 1 and are directly, or ultimately, dependent on claim 1. A method of making that composition is recited in claims 21-24. These claims are also dependent directly or ultimately from claim 1.

Applicant also identifies the use of the composition of claim 1 for medical purposes. Claim 25 recites the use of the composition as a medicament for treating or preventing a pathogenic disease or disorder. Claim 27 is for the same use but for a more narrowly defined range of the medicament.

In sum, applicant seeks in the elected claims patent protection for a composition, claims 1-20, 26 and 28, a method of making that composition, claims 21-24, and the use of that composition within the medical field, claims 25 and 27. It is respectfully submitted that the above-listed group of claims qualifies as the single species requested in the election requirements set forth in Paper No. 5.

Respectfully submitted,

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